IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 26264 of 2004(B)

PETITIONER:

C.K. SIVARAMAN, DY.CHIEF ENGINEER
(RETIRED), `THEJUS', H.NO.29/439,
JANATHA ROAD, VYTTILA, KOCHI-19.

BY ADV. SRI.K.RAMACHANDRAN
SMT.R.MEERA

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, VAIDYUTHY
BHAVAN, PATTOM PALACE P.O., THIRUVANANTHAPURAM.

2. THE SECRETARY, KERALA STATE ELECTRICITY
BOARD, VAIDYUTHY BHAVAN, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM.

3. THE CHIEF ENGINEER (HRM) VAIDYUTHI
BHAVAN, PATTOM, THIRUVANANTHAPURAM.

4. INSPECTOR GENERAL OF POLIE (VIGILANE &
SECURITY) KSE BOARD, THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO.26264/04

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE ORDER IN CMP NO.17299/97 IN O.P.NO.9887/87 DT. 28.8.1997.

EXT.P2 : TRUE COPY OF THE JUDGMENT DT. 21.5.1998 IN O.P.NO.9887/97.

EXT.P3 : TRUE COPY OF THE LETTER NO.VIG.B.IV.1864/92 DT. 24.3.2001 OF THE INSPECTOR GENERAL OF POLICE (VIGILANCE & SECURITY).

EXT.P4 : TRUE COPYOF THE NOTE TO THE SECRETARY, KSEB FROM THE CHIEF ENGINEER (HRM) DT. 9.4.2001.

EXT.P5 : TRUE COPY OF THE RELEVANT PAGE OF INDIAN EXPRESS DAILY DT. 28.4.1998.

EXT.P6 TRUE COPY OF THE COMMUNICATIOND T. 21.2.2004 FROM THE SECOND RESPONDENT TO THE PETITIONER.

EXT.P7 TRUE COPY OF THE LETTER DT. 26.2.2004 FROM THE PETITIONER TO THE SECOND RESPONDENT.

EXT.P8 TRUE COPY OF REPRESENTATION DT. 8.7.2004 FROM THE PETITIOENR TO THE 2ND RESPONDENT.

EXT.P9 TRUE COPY OF ACKNOWLEDGEMENT CARD FOR RECEIPT OF EXT.P8 BY THE 2ND RESPONDENT.

EXT.P10 TRUE COPY OF GOVT.ORDER VIDE G.O.(P) NO.185/02/FIN DT. 27.3.2002.

EXT.P11 TRUE COPY OF THE RELEVANT EXTRACT OF THE GENERAL CONDITIONS OF CONTRACT & INTRODUCTIONS TO TENDERS, UNDER THE CAPTION E1.038.EXTRAS.

EXT.P12 TRUE COPY OF THE ORDER DT. 3.6.2003 RENDERED BY THE KERALA LOK AYUKTHA IN COMPLAINT IN 923/02 FILED BY SRI.T.M.PAULOSE.

TGS

KURIAN JOSEPH, J.

W.P.(C) No.26264 of 2004

Dated 30th March, 2007.

J U D G M E N T

The writ petition is filed mainly with the following prayer :-

> "Issue a writ of mandamus or other appropriate writs, directions or orders directing the respondents to sanction the pension revision benefits to the petitioner and withdraw the steps for the recovery of any loss said to have been sustained by the Board in the construction of D & E flat at Kaloor, from the petitioner."

There is also a prayer for interest. In the nature of the view I propose to take in this case, it is not necessary to go into the merits of the case, since it is submitted that in the case of co-worker Sri.T.M.Poulose, pursuant to the order passed by the Lok Ayukta (Ext.P12), the pensionary benefits have been disbursed. If that be so, there is no point in discriminating the petitioner. There will be a direction to the first respondent to extend a similar treatment to the petitioner, as extended to the complainant in Ext.P12 order of the Lok Ayukta, within a period of two months from the date of production of a copy of the judgment. The question of interest is left open.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

OP NO. 2

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 30th March, 2007.